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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

CENTOCOR ORTHO BIOTECH, INC.,
Plaintiff,

v.

GENENTECH, INC. and CITY OF HOPE,
Defendants.

GENENTECH, INC. and CITY OF HOPE,
Counter-Plaintiffs

v.

CENTOCOR ORTHO BIOTECH, INC.,
Counter-Defendant

AND

GLOBAL PHARMACEUTICAL
SUPPLY GROUP, LLC, CENTOCOR
BIOLOGICS, LLC, AND JOM
PHARMACEUTICAL SERVICES, INC.,

Third-party Defendants.

Case No. CV 08-03573 MRP (CTx)

The Honorable Mariana R. Pfaelzer

**CIVIL LOCAL RULE 79-5.1 EX
PARTE APPLICATION TO FILE
UNDER SEAL THE
DECLARATION OF MARCUS E.
SERNEL IN SUPPORT OF
GENENTECH, INC.'S AND CITY
OF HOPE'S JOINT
STIPULATION REGARDING
DEFENDANT GENENTECH
INC.'S MOTION TO AMEND
THE STIPULATED
PROTECTIVE ORDER**

Date: July 19, 2010
Time: 11:00 am
Place: Courtroom 12

CLERK U.S. DISTRICT COURT
CENTRAL DIST. OF CALIF.
LOS ANGELES
2010 JUN 29 AM 11:00
Lodged Prop. Order

FILED

ORIGINAL

1 PLEASE TAKE NOTICE that Pursuant to Local Rule 79-5.1, Defendant/Counter-
2 Plaintiff Genentech, Inc. ("Genentech") requests the Court for an order to file under seal
3 the Declaration of Marcus E. Sernel in Support of Genentech, Inc.'s and City of Hope's
4 Joint Stipulation Regarding Defendant Genentech, Inc.'s Motion to Amend the Stipulated
5 Protective Order and its attached exhibits B and C.

6 Specifically, Genentech requests that the following exhibits be filed under seal:

7 1. **Exhibit B:** A 2001 Agreement between Genentech and Celltech, Bates
8 labeled GNE-MED 00487 - GNE-MED 00518.

9 2. **Exhibit C:** A June 2, 2010 letter from Genentech to Celltech.

10 Genentech is also filing, concurrently with this Application, a proposed order
11 sealing the above-referenced documents.

12 Dated: June 29, 2010

/s/ Marcus E. Sernel

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*Attorneys for Defendant/Counter-
Plaintiff Genentech, Inc.*

PROOF OF SERVICE

I, Jelani Solper, am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action. My business address is 333 South Hope Street, Los Angeles, California 90071.

On June 29, 2010, I served a true copy of the following document(s) described as:

CIVIL LOCAL RULE 79-5.1 EX PARTE APPLICATION TO FILE UNDER SEAL THE DECLARATION OF MARCUS E. SERNEL IN SUPPORT OF GENENTECH, INC.'S AND CITY OF HOPE'S JOINT STIPULATION REGARDING DEFENDANT GENENTECH INC.'S MOTION TO AMEND THE STIPULATED PROTECTIVE ORDER

on the interested parties in this action as follows:

☐ **By U.S. Mail:** By placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Los Angeles, California to the addressee(s) set forth below. I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice, it would be deposited with the U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing.

☒ **By Fedex:** By placing the document(s) listed above in a sealed overnight courier envelope addressed as set forth above and routing the envelope for pick up with Federal Express for overnight delivery.

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☒ **By E-Mail:** I caused to have delivered such documents to the addressee as set forth below:

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elderkin@woodcock.com
mullin@woodcock.com

I declare that I am employed in the office of a member of the bar of this court at whose direction this service was made.

Executed June 29, 2010, at Los Angeles, California.

Jelani Solper
Print Name


Signature